



State of Wisconsin  
Governor Scott Walker

## Department of Agriculture, Trade and Consumer Protection

Ben Brancel, Secretary

**DATE:** April 23, 2014

**TO:** Board of Agriculture, Trade and Consumer Protection

**FROM:** Ben Brancel, Secretary *Ben Brancel*  
Steve Ingham, Division of Food Safety Administrator

**SUBJECT:** Food Safety Modernization Act (FSMA) Update

**PRESENTED BY:** Steve Ingham and John Petty *Steve Ingham*  
*John Petty*

**REQUESTED ACTION:**  
None (update only)

### SUMMARY:

Seven proposed rules have been issued to implement the FDA Food Safety Modernization Act (FSMA). The comment period for five of the rules has closed. The comment periods for the rule addressing Intentional Adulteration of Foods, and the rule addressing Sanitary Transportation of Food close May 31 and June 30, respectively.

For three rules, revised language relating to farmers will be released for comments early this summer. The rules involved are Produce Safety, Preventive Controls – Food for Humans, and Preventive Controls – Food for Animals. The Food and Drug Administration (FDA) is responding to concerns that each of these rules defines a farm, farming activities, and status for exemptions differently. There is fear that a farm could be subject to all three rules and find the requirements to be confusing and conflicting.

State regulators are actively considering their role in implementation of the Produce Safety rule. Training of each state's produce growers and regulators will be necessary. If state regulators are involved in enforcement there must be clear regulatory authority for state personnel, clear communication and sharing of laboratory results and other evidence between states and FDA, and adequate resources for the state programs.

Food and ethanol manufacturers have been quite concerned about how the Preventive Controls – Food for Animals rule will affect the sale of food processing and distilling wastes for animal feed. This issue will be discussed.

The Food Safety Preventive Controls Alliance, a partnership of industry, academia, and state regulators, is preparing a training curriculum that will be used in preparing the industry for the Preventive Controls – Food for Humans rule. An update on these efforts will be provided.

*Agriculture generates \$59 billion for Wisconsin*

2811 Agriculture Drive • PO Box 8911 • Madison, WI 53708-8911 • 608-224-5012 • Wisconsin.gov

An equal opportunity employer

DATCP Board  
January 24, 2014  
Page 2

The Department will be submitting comments on how the Intentional Adulteration of Foods rule will affect dairy farm operations. The FDA had requested input on this subject. The Department's comments will be presented.